

HARVEY SISKIND LLP
D. Peter Harvey (SBN 55712)
pharvey@harveysiskind.com
Seth I. Appel (SBN 233421)
sappel@harveysiskind.com
4 Embarcadero Center, 39th Floor
San Francisco, California 94111
Telephone: (415) 354-0100
Facsimile: (415) 391-7124

Attorneys for Defendants
RED HAT, INC. and
RED HAT MIDDLEWARE, LLC

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

FIRESTAR SOFTWARE, INC..

Case No. C 07-80204 MISC MMC (EMC)

Plaintiff.

V.

RED HAT, INC., et al.,

Defendants.

**STIPULATION AND [PROPOSED]
ORDER RESCHEDULING HEARING
ON THOUGHT, INC.'S MOTION TO
QUASH THIRD PARTY SUBPOENA, OR
IN THE ALTERNATIVE, FOR A
PROTECTIVE ORDER**

The Parties hereby stipulate that the hearing on Thought, Inc.'s motion to quash third party subpoena, or in the alternative, for a protective order be rescheduled to March 19, 2008, at 10:30 a.m.

Dated: January 31, 2008

Respectfully submitted,

HARVEY SISKIND LLP

By: _____ /s/
Seth I. Appel

Atorneys for Defendants
RED HAT, INC. and RED HAT MIDDLEWARE, LLC.

JOHN JASON GENTRY MULLINS

By: _____ /s/
John Jason Gentry Mullins

Attorneys for Third Party
THOUGHT, INC.

[PROPOSED] ORDER

The Parties have stipulated that the hearing on Thought, Inc.'s motion to quash third party subpoena, or in the alternative, for a protective order be rescheduled to March 19, 2008, at 10:30 a.m.

Good cause appearing therefore:

IT IS SO ORDERED.

Dated:

The Honorable Edward M. Chen
United States District Court Judge